

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00937-TSC

CENTER FOR BIOLOGICAL DIVERSITY et al v. UNITED STATES DEPARTMENT OF STATE
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 05/18/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

CENTER FOR BIOLOGICAL DIVERSITY

represented by **David Alan Bahr**
BAHR LAW OFFICES, P.C.
1035 1/2 Monroe Street
Eugene, OR 97402
(541) 556-6439
Email: davebahr@mindspring.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

THOMAS BACHAND

represented by **David Alan Bahr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES DEPARTMENT OF STATE

represented by **Jeremy S. Simon**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2528
Fax: (202) 252-2599
Email: jeremy.simon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

UNITED STATES FISH AND WILDLIFE SERVICE

represented by **Jeremy S. Simon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 05/18/2017 | <u>1</u> | COMPLAINT against UNITED STATES DEPARTMENT OF STATE (Filing fee \$ 400 receipt number 0090-4956169) filed by CENTER FOR BIOLOGICAL DIVERSITY, Thomas BACHAND. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons for DOS (proposed), # <u>3</u> Summons for US Atty (Proposed), # <u>4</u> Summons for AG (Proposed))(Bahr, David) (Entered: 05/18/2017) |
| 05/18/2017 | <u>2</u> | REQUEST FOR SUMMONS TO ISSUE For US Attorney re <u>1</u> Complaint, filed by CENTER FOR BIOLOGICAL DIVERSITY, Thomas BACHAND. Related document: <u>1</u> Complaint, filed by Thomas BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 05/18/2017) |

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| 05/18/2017 | <u>3</u> | Corporate Disclosure Statement by Thomas BACHAND, CENTER FOR BIOLOGICAL DIVERSITY. (Bahr, David) (Entered: 05/18/2017) |
| 05/18/2017 | | Case Assigned to Judge Tanya S. Chutkan. (md) (Entered: 05/19/2017) |
| 05/19/2017 | <u>4</u> | SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 05/19/2017) |
| 06/13/2017 | <u>5</u> | REQUEST FOR SUMMONS TO ISSUE <i>against Department of State (via Executive Office of Legal Advisor)</i> re <u>1</u> Complaint, filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND. Related document: <u>1</u> Complaint, filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 06/13/2017) |
| 06/14/2017 | <u>6</u> | SUMMONS (1) Reissued Electronically as to UNITED STATES DEPARTMENT OF STATE (zrdj) (Entered: 06/14/2017) |
| 06/21/2017 | <u>7</u> | AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND.(Bahr, David) (Entered: 06/21/2017) |
| 06/22/2017 | <u>8</u> | REQUEST FOR SUMMONS TO ISSUE <i>for US FWS</i> re <u>7</u> Amended Complaint filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND. Related document: <u>7</u> Amended Complaint filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 06/22/2017) |
| 06/22/2017 | <u>9</u> | REQUEST FOR SUMMONS TO ISSUE <i>against Department of State (via Executive Office of Legal Advisor)</i> re <u>7</u> Amended Complaint filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND. Related document: <u>7</u> Amended Complaint filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 06/22/2017) |
| 06/22/2017 | <u>10</u> | REQUEST FOR SUMMONS TO ISSUE <i>For US Attorney</i> re <u>7</u> Amended Complaint filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND. Related document: <u>7</u> Amended Complaint filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 06/22/2017) |
| 06/22/2017 | <u>11</u> | REQUEST FOR SUMMONS TO ISSUE <i>For US Attorney General</i> re <u>7</u> Amended Complaint filed by CENTER FOR BIOLOGICAL DIVERSITY, THOMAS BACHAND. Related document: <u>7</u> Amended Complaint filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Bahr, David) (Entered: 06/22/2017) |
| 06/23/2017 | <u>12</u> | SUMMONS(4) Issued Electronically as to UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(td) (Entered: 06/23/2017) |
| 07/05/2017 | <u>13</u> | Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to Amended Complaint</i> by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 07/05/2017) |
| 07/06/2017 | | MINUTE ORDER: Granting <u>13</u> Consent Motion for Extension of Time to Answer. Defendants shall answer or otherwise respond to the complaint by August 10, 2017. Signed by Judge Tanya S. Chutkan on 7/6/17. (DJS) (Entered: 07/06/2017) |
| 07/10/2017 | | Set/Reset Deadlines: Answer due by 8/10/2017. (tb) (Entered: 07/10/2017) |
| 08/10/2017 | <u>14</u> | ANSWER to <u>7</u> Amended Complaint by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. Related document: <u>7</u> Amended Complaint filed by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY.(Simon, Jeremy) (Entered: 08/10/2017) |
| 08/11/2017 | | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and |

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| | | confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiffs' FOIA request, the anticipated number of documents responsive to Plaintiffs' FOIA request, the anticipated date(s) for release of the documents requested by Plaintiffs, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 8/31/17. Signed by Judge Tanya S. Chutkan on 8/11/17. (DJS) (Entered: 08/11/2017) |
| 08/15/2017 | | Set/Reset Deadlines: Joint Status Report due by 8/31/2017. (tb) (Entered: 08/15/2017) |
| 08/31/2017 | <u>15</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 08/31/2017) |
| 09/04/2017 | | MINUTE ORDER: Having considered the parties' Joint Status Report <u>15</u> , it is hereby ordered that the parties shall file another joint status report and proposed order by 10/12/17. Signed by Judge Tanya S. Chutkan on 9/4/17. (DJS) (Entered: 09/04/2017) |
| 09/04/2017 | | Set/Reset Deadlines: Joint Status Report due by 10/12/2017. (jth) (Entered: 09/04/2017) |
| 09/10/2017 | | Set/Reset Deadlines: Joint Status Report due by 10/12/2017. (tb) (Entered: 09/10/2017) |
| 10/10/2017 | <u>16</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 10/10/2017) |
| 10/12/2017 | | MINUTE ORDER: Having considered the parties Joint Status Report <u>16</u> , it is hereby ordered that the parties shall file another joint status report and proposed order by November 30, 2017. Signed by Judge Tanya S. Chutkan on 10/12/17. (DJS) (Entered: 10/12/2017) |
| 10/13/2017 | | Set/Reset Deadlines: Joint Status Report due by 11/30/2017. (tb) (Entered: 10/13/2017) |
| 11/30/2017 | <u>17</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 11/30/2017) |
| 12/01/2017 | | MINUTE ORDER: Having considered the parties' Joint Status Report, it is hereby ordered that the parties shall file another Joint Status Report by January 10, 2018 and every 45 days thereafter. A proposed order shall be attached to the report if the report contains a proposed briefing schedule. Signed by Judge Tanya S. Chutkan on 12/1/17. (DJS) (Entered: 12/01/2017) |
| 01/10/2018 | <u>18</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 01/10/2018) |
| 02/26/2018 | <u>19</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 02/26/2018) |
| 04/12/2018 | <u>20</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 04/12/2018) |
| 05/29/2018 | <u>21</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 05/29/2018) |
| 07/13/2018 | <u>22</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 07/13/2018) |

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| 08/27/2018 | <u>23</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 08/27/2018) |
| 10/12/2018 | <u>24</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 10/12/2018) |
| 11/26/2018 | <u>25</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 11/26/2018) |
| 01/08/2019 | <u>26</u> | Unopposed MOTION to Stay <i>in Light of Lapse in Appropriations</i> by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE (Simon, Jeremy) (Entered: 01/08/2019) |
| 01/16/2019 | | MINUTE ORDER granting <u>26</u> Motion to Stay. All deadlines are hereby STAYED. Defendant's counsel shall notify the court within five days after Congress has appropriated funds for the Justice Department. It is further ordered that all current deadlines for the parties shall be extended commensurate with the duration of the lapse in appropriations. Signed by Judge Tanya S. Chutkan on 1/16/19. (DJS) (Entered: 01/16/2019) |
| 01/30/2019 | <u>27</u> | NOTICE of Restored Government Funding by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE (Simon, Jeremy) (Entered: 01/30/2019) |
| 02/19/2019 | <u>28</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 02/19/2019) |
| 02/27/2019 | | MINUTE ORDER: Having considered the Defendant's Notice of Restored Government Funding <u>27</u> and the parties' joint status report <u>28</u> , the previously imposed stay is hereby lifted. It is hereby ordered that the parties shall file another joint status report by 4/5/19, and every 45 days thereafter. To the extent the parties propose a production schedule and/or briefing schedule, the status report shall include a proposed order. Signed by Judge Tanya S. Chutkan on 2/27/19. (DJS) (Entered: 02/27/2019) |
| 03/01/2019 | | Set/Reset Deadlines: Joint Status Report due by 4/5/2019. (tb) (Entered: 03/01/2019) |
| 04/05/2019 | <u>29</u> | Joint STATUS REPORT by THOMAS BACHAND, CENTER FOR BIOLOGICAL DIVERSITY. (Bahr, David) (Entered: 04/05/2019) |
| 05/21/2019 | <u>30</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 05/21/2019) |
| 07/05/2019 | <u>31</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 07/05/2019) |
| 08/30/2019 | | MINUTE ORDER: The parties shall file a joint status report by 9/5/19 and every 90 days thereafter. To the extent the parties propose a production schedule and/or briefing schedule, the status report shall include a proposed order. Signed by Judge Tanya S. Chutkan on 8/30/19. (DJS) (Entered: 08/30/2019) |
| 08/30/2019 | | Set/Reset Deadlines: Joint Status Report due by 9/15/2019. (zjd) (Entered: 08/30/2019) |
| 09/05/2019 | <u>32</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE, UNITED STATES FISH AND WILDLIFE SERVICE. (Simon, Jeremy) (Entered: 09/05/2019) |